

UNITED STATE DISTRICT COURT
 STATE OF SOUTH CAROLINA
 COLUMBIA DIVISION

REGINA PRIOLEAU,)	
)	C/A No. <u>5:24-cv-01171-MGL</u>
Plaintiff(s),)	
)	
vs.)	<u>COMPLAINT</u>
)	(JURY TRIAL DEMANDED)
OFFICER JERMAINE WALLACE,)	
HOLLY HILL POLICE DEPARTMENT)	
ORANGEBURG COUNTY SHERIFFS OFFICE)	
)	
Defendant(s).)	
)	

The Plaintiff complaining of the above named Defendant would respectfully show unto this Honorable Court:

JURISDICTION

1. This Action arises under the Fourth amendment to the Constitution of the United State of America, 42 USC § 1983, and the Laws and Constitution of the State of South Carolina.
2. Subject matter is conferred upon this Court by 28 USC §13331 and § 1343. Plaintiff invokes the pendant jurisdiction of this Court over all state causes of action.

PARTIES

3. The Plaintiff Regina Prioleau is a citizen of the United States of America and a resident of the County of Orangeburg, State of South Carolina.
4. The Defendant Jermaine Wallace was at all times herein relevant acting under the color and pretext of his authority as a police officer for the Holly Hill Police Department. At all relevant times herein the aforesaid Defendant was acting in his individual as well as his official capacity. Upon information and belief, the

Defendant is a citizen and resident of the County of Orangeburg, State of South Carolina.

5. The Holly Hill Police Department is a law enforcement agency organized under the laws of the state of South Carolina.
6. The Town of Holly Hill is a political subdivision of the state of South Carolina.
7. The Orangeburg County Sheriff's Office is a law enforcement agency organized under the laws of the state of South Carolina.

FACTUAL ALLEGATIONS

8. That on or about March 14, 2021, the Defendant Jermaine Wallace of the Holly Hill Police Department was dispatched to 190 Catamount Rd. Holly Hill SC 29059 to respond to an incident in progress.
9. Upon arrival at the incident location officer Wallace refused to carry out his duties and sat in his vehicle while the defendant brutally attacked and injured by individuals
10. The officer stated that "he was afraid" and despite being dispatched to the incident witnessing the crime refused to carry out his duties allowing the plaintiff to be injured.
11. The incident location is within the County of Orangeburg under the Jurisdiction of Orangeburg County Sheriff's Office and Holly Hill Police Department under a mutual aid agreement.

FOR A FIRST CAUSE OF ACTION
(Violation of Fourth Amendment Rights)
42 USC § 1983

12. Plaintiff herein repeats and reiterates each and every allegation contained in the preceding paragraphs as if verbatim.
13. That Defendant did violate the Plaintiff's rights under the Fourth and Fourteenth Amendments to United States Constitution in that the Defendant failed to crime in progress

14. The defendant failed to render aid to the Plaintiff
15. Failed to protect victim or informants of crime.
16. That as a direct and consequence of the Defendant's violation of the Plaintiff's civil rights, the Plaintiff sustained injuries to her head, neck, back, she underwent medical treatment, she underwent extreme emotional distress and anguish,

FOR A SECOND CAUSE OF ACTION
Battery

17. Plaintiff herein repeats and reiterates each and every allegation contained in the preceding paragraphs as if verbatim.
18. The Defendant, while failing to protect, intervene or arrest anyone the Defendant, in his failure was derelict in his duties, department policy and oath as a law enforcement officer. He sat in his patrol vehicle and allowed the brutal assault on the
19. That as a direct and consequence of the Defendant's battery of the Plaintiff, Plaintiff suffered physical injury, discomfort, extreme emotional distress and anguish, physical pain, public humiliation and medical cost, loss of work, and other damages heretofore set forth above.

FOR A THIRD CAUSE OF ACTION
(Violation of First Amendment Rights)
42 USC § 1983

20. Plaintiff herein repeats and reiterates each and every allegation contained in the preceding paragraphs as if verbatim.
21. That the Defendant violated the Plaintiff's rights under the First and Fourteenth Amendments to the United States Constitution to free speech and to criticize the government, in that the Defendant punished the Plaintiff for his speech and criticism of Defendant.
22. On or about March 14, 2024 the Holly Hill Police Department developed and maintained customs, policies and practices which exhibited deliberate indifference to

the constitutional rights of the citizens of Orangeburg County, which caused the violation of the constitutional rights of Mrs. Prioleau.

23. In that the it was the custom, policy or practice of the defendant department to inadequately supervise and train its officers, including defendant Wallace, failing to adequately discourage constitutional violation to protect citizens, effectuating arrests and responding to dispatched incidents.
24. As a result of the foregoing customs, policies or practices, officers employed by the defendants, including defendant Wallace, believed that their action/inaction would be not be investigated or sanctioned but would be tolerated by the department.
25. The foregoing customs, policies or practices of the defendant demonstrated a deliberate indifference on the part of the defendant department to the constitutional rights of the citizens on Orangeburg County, proximately causing the violations of the plaintiff's rights, resulting in the damages described above.

FOR A THIRD CAUSE OF ACTION
(Violation of Civil Rights)
42 USC § 14141

26. In that the Holly Hill Police Department and Orangeburg County Sheriff's Office and failed to Supervise /monitoring of its officers.
27. Failed to properly provide training of officers.
28. Failing in their duty to properly respond to citizen's complaints and treating citizens as adversaries.

FOR A FORTH CAUSE OF ACTION
NEGLIGENCE- S.C. TORT CLAIMS ACT

29. The defendant(s) Orangeburg County Sheriff's Office and Holly Hill Police department were negligent in following particulars:
 - a. Failure to train their officers in effectuating legal arrest;

- b. Failure to train officers in the employment of reasonable de-escalation tactics, including assault, battery
- c. Failure to investigate and respond to calls
- d. Failure to protect the citizenship and public from harm and criminal acts.

30. That as a direct and consequence of the Defendant's violation of the Plaintiff's civil rights, Plaintiff was deprived of his liberty and freedom of movement, he underwent severe physical discomfort and further suffered extreme emotional distress and anguish, public humiliation and embarrassment, damage to his reputation and standing in the community and suffered diminution of his citizenship.

WHEREFORE, Plaintiff prays for judgment against the Defendant for his actual and punitive damages, for the costs of this action, attorney's fees; and for such other and further relief as this Court may deem just and equitable.

Orangeburg, SC
Date: March 7, 2024

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